REMARKS/ARGUMENTS

Claims 1-6 and 8-11 remain in the application. Claims 1, 6, 8 and 10 have been amended and claim 7 has been cancelled.

Applicant's attorney acknowledges with appreciation the phone interview of the instant application on September 20, 2004 and the Examiner's helpful comments made during said interview.

In reviewing the instant application, a number of typographical errors were noted in the specification. Thus, amendments to this portion of the application have been made.

Claim Rejections Under 35 USC §112

Claims 1-5 and 10-11 are rejected under 35 USC §112. Applicant respectfully traverses the Examiner on this ground of rejection.

The Examiner has objected to the substance of reference numeral 130 in the specification and the claims as referring to an "expandable dorsal side section". The Examiner questions whether the expandable dorsal side section is "an opening free of material or is it an elastic-type material". Applicant submits that the expandable dorsal side section may be an opening free of

material or it may be an elastic or flexible type material. The baseball glove of the instant invention is directed to use as a youth-type baseball glove and is designed particularly to provide enhanced flexibility to young ball players as they develop hand-flex strength. Thus, in the construction of the instant invention, the expandable dorsal side section 130 extends in a generally L-shape configuration along the side of the thumb stall 114 and over the carpometacarpal joint 326 of the thumb 364. In order to provide the maximum amount of enhanced flexibility for the use by young ball players, the opening ideally would be void of any material. However, in a commercial use the ball glove may include an elastic or flexible type material in the opening which provides aesthetics as well as protection against minor scrapes and scratches. Thus, Applicant urges that the use of the term "expandable dorsal side section" is not indefinite as to whether or not material would be used in the area defined by the number 130 or if it is left open. The gist of the invention is to provide an area which does not interfere with the flexibility of an young ball player's hand. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim Rejections - 35 USC §102

Claims 1, 5, 6, 10 and 11 are rejected under 35 USC §102(e) as being anticipated by Bevier et al. Applicant respectfully traverses the Examiner on this ground of rejection.

The instant invention in accordance with independent claims 1 and 10, as now amended, is directed to a ball glove having a dorsal side panel and a palmar side panel secured along each panel's outer periphery to define a glove body. The dorsal side panel is sized to cover the back of a hand and is provided with an expandable dorsal side section of generally L-shaped configuration at a location between the thumb stall and the index finger stall. The expandable dorsal side section extends beyond the carpometacarpal joint of the thumb in a longitudinal direction to a location approximating the center axis of rotation of the metacarpalphalangeal joint of the finger stall and transverse across the metacarpalphalangeal joints of the location of the finger stalls. Independent claim 6, as amended, is directed to a ball glove comprising a dorsal side panel and a palmar side panel secured along each others'outer periphery to define a glove body. Webbing is provided between a thumb side web section and an index finger side web section wherein the

thumb side web section is attached along the periphery of a thumb stall on one side and a longitudinally extending hinge member on an opposed side. And, an index finger side web section is attached along the outer periphery of the index finger stall on one side and an opposed side of the index finger side web section is attached to the longitudinally extending hinge member.

To the contrary, the Bevier et al reference teaches a ball glove with an open area on a dorsal side of the glove wherein the open area includes a matrix that enhances the flexibility of the glove. The matrix is formed of an elastomeric material and includes an area substantially covering the dorsal side of the glove. That is, from the drawings and the teachings of this reference it appears that the matrix 130 covers the entire back of the hand, from the wrist, and extends up to and beyond the metacarpalphalangel joints of all of the fingers. In the instant invention, which is designed specifically as a youth baseball glove, the L-shaped expandable section provides flexibility particularly beneficial to young players in the development of hand-flex strength but also provides the L-shaped configuration for a mechanical advantage in having precise areas of expansion material which correlate to the anatomy of the hand particularly

in the area below and around the wrist area up to the metacarpalphalangeal joints of the fingers. This mechanical advantage is not possible with the Bevier et al matrix which includes expandable material over the entire back of the hand. Thus, Applicant urges that independent claims 1 and 10 which now include an L-shaped configured expandable dorsal side section located in a very specific area of the dorsal side of the hand is patentably distinct and not anticipated by Bevier et al.

Independent claim 6 has been amended to include the limitations of claim 7, particularly as including a longitudinally extending hinge member identified by the numer 126 which extends parallel to the index finger stall 105 and the thumb stall 114 to connect an index finger side web section along one side of the hinge member and a thumb side web section attached along the periphery of the opposed side of the longitudinally extending hinge member. Bevier et al does not teach a hinge member at all which connects to web sections as Bevier et al teaches a pocket 120 between the index finger stall and the thumb stall. Pocket 120 does not include a hinge member of any type much less a longitudinally extending hinge member, as now claimed. Thus, Applicant urges that Bevier et al does not

teach, much less anticipate, independent claim 6, as now amended.

Therefore, Applicant urges that claims 1, 5, 6, 10 and 11 are not anticipated by Bevier et al and respectfully requests that the Examiner withdraw this rejection.

Claims Rejections - 35 USC §103

Claims 2-4 and 7-9 are rejected under 35 USC §103(a) as being unpatentable over Bevier et al in combination with Brown. Applicant respectfully traverses the Examiner on this ground of rejection.

Claims 2-4 are dependent claims of independent claim 1. Claims 7-9, as originally filed, were dependent claims of claim 6, but in the instant response, claim 7 has been cancelled and the substance thereof has been incorporated into claim 6.

Claims 2-4 are dependent claims of independent claim 1 include all of the limitations of claim 1, specifically including the limitation that the dorsal side panel includes an expandable dorsal side section of generally L-shaped configuration which extends beyond the carpometacarpal joint of the thumb in a longitudinal direction to a location approximating the center

axis of rotation of the metacarpalphalangeal joint of the finger stall and transverse across the metacarpalphalangeal joints at the location of the finger stalls.

As pointed out previously, Bevier et al teaches a ball glove having a matrix on the dorsal side of the glove which covers the entire back of the hand from the wrist up to and apparently beyond the metacarpalphalangeal joints of the fingers. With the entire lower portion of the dorsal side of the hand adjacent the wrist area being covered with a flexible material, the mechanical advantages of an expandable section of L-shaped configuration, as claimed and clearly shown in the drawings of the instant application, are not possible with the Bevier et al teachings.

The Brown reference is directed to a baseball glove and is provided with a hinge 38 which is disposed along the lower border of the web section which attaches the web section to the glove body. Hinge 38 is centrally disposed between the thumb stall and the index finger stall. Nowhere does this hinge member 38 remotely resemble or suggest a longitudinally extending hinge member, as now claimed in claim 1. As pointed out in the instant specification at page 8, lines 15-19, the hinge member identified by the number 126 extends parallel to the index finger stall 105

and the thumb stall 114. Moreover, as shown in the drawings, the hinge member 126 extends substantially the entire length of the longitudinal portion of the web sections on opposed sides thereof. Thus, dependent claims 2 and 4, which include all the limitations of claim 1, are not taught nor remotely suggested by Bevier et al in combination with Brown. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

Independent claim 6 including the limitations of claims 7 is directed to a ball glove having webbing disposed between the thumb stall and an index finger stall. The webbing is disposed into two sections, a thumb side web section and an index side web section with a longitudinally extending hinge member extending between the two sections, and connecting the thumb side web section to the index side web section. The longitudinally extending hinge member increases the flexibility of movement of the web portion of the baseball glove and allows for easy movement and flexibility between the thumb 364 and the index finger 365 in enclosing the web once a ball has been received within the webbing 120.

As pointed out previously, Bevier et al does not teach a hinge member separating a thumb side web section and an index

finger side web section, much less a hinge member which separates the two sections. The Brown reference teaches a hinge member, but the hinge member is disposed along the bottom of the web 32 as it attaches to the dorsal side panel of a glove body. Nowhere is there a teaching or remote suggestion that the flexible hinge 38 of Brown is a longitudinally extending hinge member, as now claimed in the instant application.

Thus, Applicant urges that the instant invention, as now claimed in claims 2-4, 6, 8, and 9, are not taught nor remotely suggested by the combination of Bevier et al with Brown. Therefore, Applicant respectfully requests that the Examiner withdraw this rejection.

Conclusion

The Examiner has cited several other references which are made of record and not relied upon as being considered pertinent to Applicant's disclosure. Applicant has reviewed these references and has determined that none of these references are more appropriate than the references previously discussed. Therefore, further discussion of these references appears to be unwarranted.

Applicant urges that the instant application, as now claimed, is in condition for allowance. However, if the Examiner believes there are other unresolved issues in this case, Applicant's attorney of record would appreciate a call at (502) 584-1135 to discuss such remaining issues.

Respectfully submitted,

Charles G. Lamb
MIDDLETON REUTLINGER
2500 Brown & Williamson Tower
Louisville, Kentucky 40202
(502) 584-1135
Reg. No. 24,783